REMARKS

Status of the Claims

Claims 1-11 are pending in the present application.

Restriction Requirement

The Examiner has required election in the present application between Group I, claims 1-9, drawn to a method for incorporating nucleic acid sequences into a cellular nucleic acid sequence, Group II, claim 10, drawn to a method of screening, and Group III, claim 11, drawn to a kit.

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, Claims 1-9.

Applicants traverse on the grounds that at least Groups I and II relate to a single general inventive concept and, accordingly, satisfy PCT Rule 13.1. Under PCT Rule 13.2, the application fulfills the unity of invention requirement when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" refers to those technical features that define a contribution, which each of the claimed inventions, considered as a whole, makes over the prior art. In the present application, the "technical relationship" or "special technical feature" described in Groups I-II is an *in vitro* assembled Mu transposition complex that comprises (i) MuA transposases and (II) a transposon segment that comprises a pair of Mu end sequences recognized and bound by MuA transposases and an insert sequence between said Mu end sequences, that allow integration of the transposon into a mammalian cellular nucleic acid. The art cited by the Examiner, *i.e.*, U.S. Patent No. 5,595,889 to Richard *et al.* and U.S. Patent No. 5,719,055 to Cooper, fails to teach or suggest this special technical feature. As such, Applicants submit that the Examiner has not provided a proper basis for requiring restriction between Groups I and II. Accordingly, Applicants respectfully request the restriction requirement be withdrawn.

Species Election

The Examiner has indicated that this application contains claims directed to more than one species of the generic invention and Applicants are further required to elect a single species to which the claims shall be restricted if no generic claim is finally held allowable. The species are as follows. For Group I, a single, specific species describing where the nucleic acid segment is incorporated.

Applicants elect the embodiment specified in claim 3, *i.e.*, wherein the nucleic acid segment is incorporated to a random or almost random position of the cellular nucleic acid of the target cell, with traverse.

Claims 1-3 and 5-9 of elected Group I encompass or specify the elected species. Claims 1-2 and 5-9 are generic.

Applicants traverse on the grounds that it would not be an undue burden on the Examiner to perform a search of all species encompassed by the present claims. Further, Applicants are aware that upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species, which are written in dependent form, or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R § 1.141.

Information Disclosure Statement

On October 14, 2005, Applicants cited Schagen *et al. Nucleic Acids Research*, 2000, 28:1-7, ("Schagen") in an Information Disclosure Statement. Applicants submit that this reference describes a conventional, expression vector-based transposition system in mammalian cells. The transposition system of Schagen is based on MuA and MuB protein. Schagen teaches that mammalian cells are transfected with a donor construct and a vector expressing the MuA and MuB proteins. However, Schagen's results demonstrate that no sign of *bona fide* Mu transposition is detected in the transformed cells. Schagen concludes that it is questionable whether an active MuA transposase can be established in mammalian cells, *see* abstract and last paragraph of the discussion.

Applicants further submit that the European Patent Office (EPO), in a recent Office Action, referred to Schagen as the closest prior art of the claimed invention. Nevertheless, the

EPO determined that the subject matter of claim 1, which describes mammalian target cells is patentable over Schagen.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact L. Parker, Registration No. 46,046, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

☒ Attached is a Petition for Extension of Time.

☒ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

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